

REMARKS

Claims 1, 3-5, 9-16, 18, 21-24, 26-31, 34, and 36-40 are currently pending in the present application, with Claims 1, 10, 11, 16, 24, 26 and 27 being amended. Reconsideration and reexamination of the claims are respectfully requested.

Applicant express appreciation for the Examiner's gracious time and attention during the personal interview that took place on January 9, 2007 at the USPTO. Applicant believes the interview was very productive, and has hereby incorporated the Examiner's suggestions into the claim amendments.

The Examiner rejected Claims 1, 3-5, 10, 11, 14-16, 18, 23, 24, 26, 27, 30, 31, 34, 36-38, and 40 under 35 U.S.C. § 103(a) as being unpatentable over Ginter (U.S. patent no. 6,658,568) in view of Alexander (PTO-892, Item U). This rejection is respectfully traversed.

As discussed during the personal interview and as previously communicated, the present invention is directed to a method and system for Internet distribution of media products, such as entertainment or informational content (e.g., articles/report, video, or a sound file such as a MP3 music file), that are protected by intellectual property rights (e.g., copyright protection). Specifically, the present invention provides to consumers an alternative to paying for media products, offer for sale on the Internet, by offering to consumers an option to view a sponsored message in exchange for receiving the product.

As also discussed during the personal interview, Applicant respectfully submits that neither Ginter nor Alexander contain any disclosure or suggestion of distributing and/or obtaining media products via a facilitator in a manner as recited in the claims. Specifically, Ginter discloses a secured infrastructure for conducting electronic commerce, including the exchange of electronic rights (including digital rights management). As the Examiner acknowledged, Ginter does not disclose or suggest offering to a consumer access to a media product on the precondition that the consumer views or interacts with a sponsor message. As

discussed in detail during the personal interview, Applicant submits that Alexander fails to make up for the deficiencies of Ginter.

Alexander is a news article from Startribune.com that discusses certain prevailing Internet offers. Specifically, Alexander discloses various offers made to consumers via the Internet, such as free long-distance services, music and Internet access, etc. As discussed with the Examiner, Alexander teaches offering free products and services to attract people who then view web site advertising that may be tailored to their personal interests (see page 2, paragraph 3 of Alexander). Alexander does not contain any disclosure or suggestion of offering goods or services upon a precondition of viewing a sponsor message, where the goods or service offered is via a facilitator.

As previously communicated, timing and ease of a purchase transaction can be important aspect of marketing strategy. As any Internet retailer can appreciate, there are many potential "points of failures" attributable by consumers for either causing them to lose interest or otherwise decide against going through with the purchase of a product. The present invention is an effective method of distributing a product whereby the consumer has an alternative of viewing a sponsored message in exchange for viewing the product. The present invention takes advantage of a situation where the consumer has already shown an interest in the product being distributed, and effectively sells the product by shifting the purchase price to a sponsoring advertiser. Applicant respectfully submits that this aspect of the invention is not suggested by either Ginter or Alexander. Accordingly, Applicant submit that Claims 1, 3-5, 10, 11, 14-16, 18, 23, 24, 26, 27, 30, 31, 34, 36-38, and 40 are not obvious in view of Ginter and Alexander.

The Examiner rejected Claims 9 and 39 under 35 U.S.C. § 103 (a) as being unpatentable over Ginter and Alexander further in view of Official Notice 2 ("ON2"). This rejection is respectfully traversed.

As discussed above, neither Ginter nor Alexander contain any disclosure of offering goods or services upon a precondition of viewing a sponsor message. Applicant submits that

ON2 fails to make up for this deficiency. Accordingly, Applicant submits that dependent Claims 9 and 39 are patentable over Ginter, Alexander, and ON2.

Per the Examiner's suggestions, Applicant has amended the pending claims to further clarify the present invention.

In view of the foregoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. An early allowance is solicited.


If the Examiner believes it would further advance the prosecution of the present application, he is respectfully requested to contact the undersigned attorney to discuss any further actions that may be necessary to obtain allowance of the pending claims.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 513612000100.

Respectfully submitted,

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By:


David T. Yang
Registration No. 44,415

Morrison & Foerster LLP
555 West Fifth Street
Suite 3500
Los Angeles, California 90013-1024
Telephone: (213) 892-5587
Facsimile: (213) 892-5454